Supreme Court, U.S.
FILED
FEB 22 1989
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88-1410

No. _____

IN THE

Supreme Court of the United States

October Term, 1988

ROBERT J. KONDRAT,
Petitioner,

vs.

THOMAS J. MOYER; JOSEPH E. O'NEILL; JOSEPH DONOFRIO, EDWARD A. COX; J. WARREN BETTIS; PAUL MITROVICH; JAMES W. JACKSON; ROBERT B. FORD; RICHARD B. McQUADE, JR.; ROBERT L. GILSON; C. C. KENNEDY; N. R. JONES; A. E. NORRIS; MARTIN WELLFORD; ANN ALDRICH; J. M. MANOS; A. KRENZLER; ALICE BATCHELDER; PATRICK McLAUGHLIN; BARRY M. BYRON; BYRON & RYAN CO.; ABRAHAM CANTOR; WESTON, HURD, FALLON, PAISLEY & HOWLEY; GALLAGHER, SHARP, FULTON & NORMAN; QUANDT, GIFFELS, BUCK & RODGERS; H. F. INDERLIED, JR.; P. LIVEY; B. BROWN; JOHN P. HEHMAN and JOHN DOES 5 through 30.

Respondents.

PETITION FOR A WRIT OF CERTIORARI
To the United States Court of Appeals
For the Sixth Circuit

ROBERT J. KONDRAT, *pro se*
29121 Chardon Road
Willoughby Hills, Ohio 44092
(216) 944-0140
Petitioner

THE GATES LEGAL PUBLISHING CO., CLEVELAND, OHIO—TEL. (216) 621-5647

I.

QUESTION PRESENTED

Are members of the Legal Profession and the Judiciary immune from the Racketeer Influenced Corrupt Organizations Act of 1970?

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PETITION FOR A WRIT OF CERTIORARI
To the United States Court of Appeals
For the Sixth Circuit

OPINIONS OF THE COURTS BELOW

The December 14, 1988 Order of the United States Court of Appeals for the Sixth Circuit is reproduced at page A1 of the Appendix hereto. The October 29, 1987 Memorandum Opinion and Order, Judgment, and Order of the United States District Court for the Northern District of Ohio, Eastern Division are reproduced at pages A4-A10 of the Appendix hereto.

JURISDICTION

The Order of the Court of Appeals for the Sixth Circuit was originally entered on December 14, 1988. This Petition for Certiorari was filed within ninety (90) days of that date. This Court's jurisdiction is invoked under the Constitution of the United States, Article III, The Judicial Power, Section 2, Second Paragraph, which in part states "the Supreme Court shall have appellate jurisdiction, both as to law and to fact".

STATUTORY PROVISIONS INVOLVED

18 United States Code, Sections 1961, 1962, 1963, 1964, and 1965; Title IX of the Organized Crime Control Act of 1970, Racketeer Influenced and Corrupt Organizations (hereinafter "RICO"); First, Fifth, Seventh and Fourteenth Amendments to the United States Constitution. See Appendix A28-A34.

STATEMENT OF THE CASE

The failure of city officials to enforce local laws caused Petitioner to exercise his rights under the First Amendment of the United States Constitution, the right to petition the government for a redress of grievances. As retribution and to silence Petitioner, the city lawyer fabricated criminal activity against Petitioner. The county prosecutor lawyer conspired with the fabricator to have Petitioner indicted. The grand jury foreman, a lawyer, secured the indictments. Other lawyers sitting as judges, compelled Petitioner to stand trial. When it became evident that the lawyers' scheme would be revealed in detail to the public, the fabricated crimes against Petitioner were dismissed and the trial concluded.

After the trial, Petitioner sought recourse in the courts against the conspirators. The lawyer judges aided and abetted the lawyer conspirators by rendering decisions favorable to Petitioner's adversaries. The lawyers permitted and engaged in fraud, extortion, and the obstruction of justice and law, denying Petitioner property rights through piecemeal confiscation by a bad government, and denying Petitioner justice as guaranteed by the U.S. Constitution.

Petitioner documented Respondents' racketeering activities for over eleven (11) years and then brought action against the Respondents under the Organized Crime Control Act of 1970 (hereafter RICO). The action was commenced in the U.S. District Court, Northern District of Ohio, Eastern Division. The District Court dismissed the action as "frivolous" saying that Petitioner could prove no set of facts.

Thereafter, Petitioner appealed to the U.S. Court of Appeals for the Sixth Circuit. The Petitioner's 673 page appendix to the appeals court diagrammed the set of facts that showed Respondents acted in concert to transgress against Petitioner. The appeals court affirmed the judgment of the district court saying that Petitioner's complaint was "devoid of merit".

REASONS FOR GRANTING THE WRIT

The Writ Should Be Granted Because A Pattern Of Racketeering Activity In The Judicial Branch Of Government Undermines The United States Constitution And Presents A Threat To The Nation.

The district court's decision was based on the word "frivolous". Webster's dictionary defines "frivolous" as "of little importance; lacking in seriousness". Several decades ago a man in Germany with his judiciary considered the Jew unimportant and not serious. Consequently, the holocaust.

The appeals court's decision was based on the words "devoid of merit". Webster's Dictionary defines the word "devoid" as "empty; not having". And, Black's Dictionary defines the word "merit" as "a legal term to be regarded as referring to the strict legal rights of the parties". In other words, the appeals court's decision said that Petitioner's complaint was empty not having strict legal rights. It was also the German Jew that had no strict legal rights as he was led to the gas chamber.

Today in this nation we are faced with a similar threat. This threat appears to be more sinister and greater than the one that occurred in Germany. The threat to this nation is the undermining of the United States Constitution through the judicial process of self-made law for the benefit of a racketeering enterprise. The toll upon this nation both economically and politically is beginning to show. We appear to be the laughing-stock to the rest of the world because of our diplomacy; and due to the siphoning off of the productive wealth, this nation is on an unsound foundation. This presents a greater danger because it affects every person in this nation who is not a lawyer.

The infiltration of lawyers into every branch and sector of government has eliminated the checks and balances once enjoyed by a democracy. The lawyer has emerged as a dominant figure immune from being brought to justice. The instant case is a prime example. This court has the duty to the people of this nation to reverse the present trend of judicial involvement in a pattern of racketeering activities that are subversive to the principles of the United States Constitution.

CONCLUSION

For these reasons, a writ of certiorari should issue to review the Order of the Sixth Circuit.

Respectfully submitted,

ROBERT J. KONDRAT, *pro se*
29121 Chardon Road
Willoughby Hills, Ohio 44092
(216) 944-0140
Petitioner

APPENDIX

ORDER OF THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

(Filed December 14, 1988)

[NOT RECOMMENDED FOR FULL-TEXT PUBLICATION]

No. 87-4122

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

ROBERT J. KONDRAT,
Plaintiff-Appellant,

v.

THOMAS J. MOYER, SUPREME COURT OF OHIO; JOSEPH E. O'NEILL, JOSEPH DONOFRIO & EDWARD COX, 11TH APPELLATE D.C.; J. WARREN BETTIS, DISCIPLINARY COUNSEL SUPREME COURT OF OHIO; PAUL MITROVICH, JAMES W. JACKSON, ROBERT B. FORD, RICHARD B. McQUADE, JR., ROBERT L. GILSON, PAINESVILLE COURT OF COMMON PLEAS; C.C. KENNEDY, N.R. JONES, A.E. NORRIS & MARTIN WELLFORD, SIXTH CIRCUIT COURT OF APPEALS; HON. ANN ALDRICH; HON. J.M. MANOS; HON. A. KRENZLER; HON. ALICE BATCHELDER; PATRICK McLAUGHLIN; BARRY M. BYRON; BYRON & RYAN CO., ABRAHAM CANTOR; WESTON, HURD, FALLON, PAISLEY & HOWLEY; GALLAGHER, SHARP, FULTON & NORMAN; QUANDT, GIFFELS, BUCK & RODGERS; JOHN DOES 1 THROUGH 30 ADDRESSES UNKNOWN,
Defendants-Appellees.

ORDER

BEFORE: BAUER, *Chief Judge;* CUMMINGS and PELL, *Circuit Judges.**

This case has been referred to a panel of the court pursuant to Rule 9(a), Rules of the Sixth Circuit. Upon examination of the motions to dismiss because of a late notice of appeal, the responses, the record and the briefs, this panel unanimously agrees that oral argument is not needed. Fed. R. App. P. 34(a).

The plaintiff filed a civil action in the district court against numerous attorneys, law firms, and judges alleging that they are an enterprise which conspired in a pattern of racketeering activity. The district court dismissed the action as frivolous.

The motions to dismiss are without merit. Plaintiff's November 7, 1987, notice of appeal was filed 39 days after entry of the October 29, 1987, judgment. Because several of the defendants are officers of the United States, a 60 day appeals period applies to this action. *See* Fed. R. App. P. 4(a); *Sinclair v. Schriber,* 834 F.2d 103, 105 n.3 (6th Cir. 1987); *Montelongo v. Meese,* 777 F.2d 1097 n.8 (5th Cir. 1985) (per curiam); *Williams v. Collins,* 728 F.2d 721, 723-24 (8th Cir. 1984). The notice of appeal was filed within the 60 day appeals period.

Upon review of the district court's decision, we conclude that the plaintiff's complaint was so devoid of merit that it failed to vest the district court with jurisdiction. *See Duke Power Co. v. Carolina Envtl. Study Group, Inc.,* 438 U.S. 59, 70-71 (1978); *Hagans v. Lavine,* 415 U.S. 528, 536-37 (1974).

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* The Honorable William J. Bauer, Chief Judge, Honorable Walter J. Cummings and Honorable Wilbur F. Pell, Jr., Circuit Judges for the United States Court of Appeals for the Seventh Circuit. This panel of judges is sitting pursuant to the designation of the Chief Justice. 28 U.S.C. §291(a).

It is ORDERED that the motions to dismiss be denied and the judgment of the district court be affirmed. Rule 9(b)(5), Rules of the Sixth Circuit.

ENTERED BY ORDER OF THE COURT

/s/ LEONARD GREEN
Clerk

ISSUED AS MANDATE: January 5, 1989

COSTS: None

JUDGMENT OF THE UNITED STATES DISTRICT COURT

(Filed October 29, 1987)

No. C 87-2447

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ROBERT J. KONDRAT,
Plaintiff,

v.

THOMAS J. MOYER, *et al.*,
Defendants.

JUDGMENT

LAMBROS, *District Judge*

In accordance with the Memorandum Opinion and Order of this date, plaintiff's complaint is dismissed with prejudice at plaintiff's costs.

This action is terminated.

IT IS SO ORDERED.

/s/ THOMAS D. LAMBROS
United States District Judge

MEMORANDUM OPINION AND ORDER OF THE UNITED STATES DISTRICT COURT

(Filed October 29, 1987)

No. C 87-2447

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ROBERT J. KONDRAT,
Plaintiff,

v.

THOMAS J. MOYER, *et al.*,
Defendants.

MEMORANDUM OPINION AND ORDER

LAMBROS, *District Judge*

On September 18, 1987, plaintiff instituted this action against numerous attorneys, judges, and law firms. The complaint includes a three and one-half page "tabulation" of purported racketeering activity allegedly undertaken by the defendants directed at the plaintiff. Although the factual allegations set forth in the complaint are by no means clear, logical, or concise, as required by Rule 8 of the Federal Rules of Civil Procedure, there is no question that plaintiff's grievances with the numerous defendants arise from those defendants' alleged conduct in no less than twenty-four civil and criminal cases filed in state and federal courts over the past 10 years. Equally clear from the complaint is the plaintiff's firm conviction that defendants are all members of a singular, unified "enterprise" whose *raison*

d'etre is, apparently, the rape, pillage, and plunder of society, including plaintiff, under the guise of law and order. The plaintiff concluded his vague and rambling diatribe against the defendants with a prayer for Five Million Dollars.

Since the filing of the complaint, several defendants (specifically Weston, Hurd, Fallon, Paisley & Howley; Quandt, Giffels, Buck and Rodgers; and Thomas J. Moyer, J. Warren Bettis, and Judges Joseph E. O'Neill, Joseph Donofrio, and Edward A. Cox) have moved for a more definite statement of the claims against them, or for dismissal, under Rules 8, 9, 11, and 12 of the Federal Rules of Civil Procedure. For reasons which will become clear, the Court defers ruling on those motions.

The plaintiff also has filed a motion to strike the motion of defendants Moyer, Bettis, O'Neill, Donofrio, and Cox to dismiss, for the reason that the Ohio Attorney General's representation of said defendants conflicts "with the interests of the people of the State of Ohio." The plaintiff characterized the Ohio Attorney General's participation in this litigation as reckless and malicious.

In addition, the plaintiff has moved for a permanent injunction proscribing the representation of the "federal defendants" by the U.S. Attorney's Office on conflict of interest grounds. Plaintiff characterizes the U.S. Attorney's representation in this matter as "unjust, inequitable, and injurious to the plaintiff."

Most recently, the plaintiff has sought leave to amend his complaint to add two more judicial defendants. For the reasons which follow, plaintiff's motion for leave to file supplemental pleadings is denied as moot.

The Court is mindful of the fact that plaintiff is attempting to prosecute this matter *pro se*. Plaintiff, too, has pointed this fact out to the Court in response to various criticisms and objections of defendants to the styling and pleading of this action. However, where an action clearly is frivolous, the law of this circuit empowers this Court to dismiss a *pro se* complaint *sua sponte*. *Brooks v. Seiter*, 779 F.2d 1177, 1179 (6th Cir. 1985); *Byrd v. Wilson*, 701 F.2d 592 (6th Cir. 1983). A complaint may be dismissed as frivolous only where "it appears beyond doubt that the plaintiff can prove no set of facts which would entitle him to relief." *Brooks*, 779 F.2d at 1179, *quoting Spruytte v. Walters*, 753 F.2d 498, 500 (6th Cir. 1985).

This action is predicated upon the existence of an "Enterprise" comprised of the named defendants, which allegedly conspired to perpetrate fraud, extortion, and racketeering against the plaintiff in and through litigation involving the plaintiff over the past decade. The plaintiff's allegations are extremely vague, conclusory, and fail to meet the pleading requirements of Rule 8. Moreover, the terms of the complaint, viewed in conjunction with plaintiff's subsequent motions all establish, beyond doubt, that this action is frivolous. Plaintiff can prove no set of facts establishing that defendants acted in concert to transgress against the plaintiff for the past 11 years. For this reason, the Court finds that this action is frivolous. Accordingly, the plaintiff's complaint is dismissed with prejudice.

This action is terminated.

IT IS SO ORDERED.

/s/ THOMAS D. LAMBROS
United States District Judge

ORDER OF THE UNITED STATES DISTRICT COURT

(Filed October 29, 1987)

No. C 87-2447

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ROBERT J. KONDRAT,
Plaintiff,

v.

THOMAS J. MOYER, *et al.*,
Defendants.

ORDER

LAMBROS, *District Judge*

The plaintiff has requested the removal and/or disqualification of the undersigned for reasons set forth in an affidavit, attached to his motion, which, in its entirety reads:

> Robert J. Kondrat being duly sworn says he is the Plaintiff in the action of Kondrat vs. Moyer, et al, and that the Honorable Lambros, Judge of the U.S. District Court in whose court the said action is now pending, and before whom this cause has been assigned, is prejudiced against said Plaintiff by reason of his decisions in Plaintiff's previous cases before the said judge. One such case is case number C85-1070, Kondrat vs. O'Neill et al, wherein the

> Defendants in C85-1070 are involved in the present action in case C87-2447. Judge Lambros is to be disqualified thereof to sit in the trial of this cause.

Under 28 U.S.C. §144, plaintiff's affidavit must "state the facts and the reasons for the belief that bias or prejudice exists . . . ." While all facts stated with particularity are to be taken as true, *City of Cleveland v. Krupansky*, 619 F.2d 576, 578 (6th Cir.), *cert. denied*, 449 U.S. 834 (1980) "assertions merely of a conclusionary nature are not enough nor are opinions or rumors." *Id.* The legal standard involved in deciding the plaintiff's motion is whether the facts would convince a reasonable man that a bias exists. *United States v. Story*, 716 F.2d 1088, 1090 (6th Cir. 1983). Disqualification must be predicated upon extrajudicial conduct rather than on judicial conduct. *Story*, 716 F.2d at 1091; *Krupansky*, 619 F.2d at 578.

Review of plaintiff's affidavit of prejudice indicates that his qualification is sought to be predicated upon judicial conduct: *i.e.*, "by reason of his decision in Plaintiff's previous cases before the said judge." The plaintiff urges no other grounds for disqualification, and offers no other support for his request. The plaintiff's motion therefore is based solely upon the judicial conduct of the presiding judge. Accordingly, *Krupansky* and *Story* compel denial of the plaintiff's motion.

Denial is also warranted for the reason that plaintiff's affidavit is essentially conclusory. *See, e.g., Krupansky*, 619 F.2d at 578.

Finally, it is well-settled that a court's prior decisions, adverse to the movant, are not sufficient, alone, to compel disqualification of the presiding judge. *See Orange v. Island Creek Coal Co.*, 786 F.2d 724, 728 (6th Cir. 1986); *Knapp v. Kinsey*, 232 F.2d 458, 466 (6th Cir. 1956). Accordingly, the plaintiff's request for removal and/or disqualification is denied.

IT IS SO ORDERED.

/s/ THOMAS D. LAMBROS
United States District Judge

PRO SE APPELLANT'S BRIEF FILED IN THE COURT OF APPEALS FOR THE SIXTH CIRCUIT

UNITED STATES COURT OF APPEALS
SIXTH CIRCUIT

Case Number: 87-4122

Case Name: Kondrat vs. Moyer, et al.

PRO SE APPELLANT'S BRIEF

Directions: Answer the following questions about the appeal to the best of your ability. Use additional sheets of paper, if necessary. You need not limit your brief solely to this form, but you should be certain that the document you file contains answers to the questions below. If you are asking for specific relief such as the appointment of counsel, the provision of transcript at government expense, or leave to proceed without prepayment of filing fees, please make that request at the conclusion of the brief. The Court prefers short and direct statements. Within 28 days you should return your completed brief to:

The Office of the Clerk
United States Court of Appeals,
Sixth Circuit
524 U.S. Post Office & Courthouse Building
Cincinnati, Ohio 45202-3988

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(1) Did the District Court fail to consider important grounds for relief? Yes
If so, what grounds?

a) The District Court failed to consider Federal Rule 38 for jury trial of right.

b) The District Court failed to consider Federal Rule 7 of civil procedure for pleadings allowed; form of motions.

c) The District Court failed to consider Federal Rule 15 for amended and supplemental pleadings.

d) The District Court failed to consider fraud upon the courts.

e) The District Court failed to consider that the non-legal have the right to be heard and present evidence.

f) The District Court failed to consider Appellees frivolous conduct that served to harass and maliciously injure Appellant by subjecting Appellant to unwarranted litigation for a period of over ten years.

g) The District Court failed to consider that under existing law the Appellees could not support a good faith argument for denying the existence of a nuisance and unlawful operation.

(2) Did the District Court incorrectly decide the facts? Yes

If so, what facts?

a) The District Court incorrectly decided the fact that the right to jury trial as declared by the Seventh Amendment to the Constitution *shall* be preserved.

b) The District Court incorrectly decided the fact that Rule 7 states in part "there *shall* be a complaint and an *answer*". The District Court's

decision was made without the completion of pleadings as required by Rule 7.

c) The District Court incorrectly decided the fact that Rule 15 provides for amended and supplemental pleadings, to be freely given when justice so requires. Appellant was denied the exercise of Rule 15.

d) The District Court incorrectly decided that Appellant's action was frivolous. The magnitude of the case proves otherwise.

e) The District Court incorrectly decided that Appellant could prove no set of facts. The District Court closed the door on Appellant so as to deny Appellant his right to be heard and present the facts.

f) The District Court incorrectly decided that Appellant's action was vague and rambling diatribe. Appellant's action is clear and would be understandable by any jury.

(3) Do you think the District Court applied the wrong law? Yes

If so, what law do you want applied?

a) The District Court applied opinions of frivolousness, vagueness, etc. These opinions are intended to whitewash or case-fix an action. This law sidesteps the issue. The allegations of RICO were never addressed. Furthermore, the tone of the District Court's decision was not one of law but one of anger. Rather than looking for the truth and working in the interests of justice as the District Court is suppose to, the District Court attacked the Appellant, trying to ridicule the very action this and other courts created due to the courts' injustices,

and because of the fact that the courts were caught in their miscarriages of justice by subsequent events that implicated them. The evidence implicating the courts is a matter of record in cases of the respective courts.

The law to be applied in this case is the law of justice, not the law of a silent and secret cartel.

(4) Do you feel that there are any other reasons why the District Court's judgment was wrong? Yes

If so, what are they?

a) As distasteful as this case may have been to the trial judge, the fact remains that the trial judge placed himself above the law by:

1 Not complying with the Federal Rules of Civil Procedure;

2 Not complying with the code of judicial conduct for disqualification when his impartiality was questioned;

3 By condoning fraud upon the courts; and

4 By engaging in conduct prejudicial to the effective and expeditious administration of the business of the court by using his office to give special treatment to his colleauges and friends.

b) The District Court attempted to cover-up the courts' injustices by belittling Appellant's action and conveying the thought that the courts can do no wrong. However, as a result of certain Appellees confessions and the action taken by them that caused the courts to be implicated, the District Court's decision was a fake to rescue there own. Such was the District Court's judgment.

(5) What action do you want the Court to take in this case?

a) This court is to reverse the District Court's decision and remand the case for trial.

b) In the alternative, the appellate court can recognize the past injustices and make amends by compensating Appellant in the relief asked for, or such satisfactory relief it deems appropriate.

(6) Do you think that this Court should hear oral argument in this case? Yes
If so, why do you think so?

a) This court should hear oral argument because the Ninth Amendment to the Constitution guarantees to the people the right to defend and protect itself from a judiciary not dedicated to justice. Public oral argument will help expose this threat and alert the people.

I certify that a copy of this brief was sent to opposing counsel via U.S. Mail on the 4th day of February, 1988.

/s/ ROBERT J. KONDRAT
Signature (Notary not required)

COMPLAINT FILED IN THE UNITED STATES DISTRICT COURT

[Caption Omitted]

COMPLAINT

The terms used in this action are defined as follows:

"Racketeering": An organized conspiracy to commit the crimes of extortion or coercion, or attempts to commit extortion or coercion. Source, Black's Law Dictionary.

"Racketeering Activity": Any act or threat involving extortion and any act which is indictable under any of the provisions of Title 18, United States Code, 1341 (relating to mail fraud), section 1503 (relating to obstruction of justice), section 1511 (relating to the obstruction of State or local law enforcement), and section 1952 (relating to racketeering). Source, Title 18 U.S. Code, in part.

"Pattern of Racketeering Activity": At least two acts of racketeering activity, one of which occurred after effective date of Title 18, §1961, and the last of which occurred within ten years after the commission of a prior act of racketeering activity. Source, Title 18 U.S. Code, in part.

"Enterprise": includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity. Source, 18 U.S. Code. The term "enterprise" includes governmental agencies or offices, *U.S. v. Clark, C.A. Ark. 1981, 646 F.2d 1259.* Governmental units such as New York City Civil Court are "enterprises", *U.S. v. Angelilli,*

C.A. N.Y. 1981, 660 F.2d 23. Clerk of Court could be convicted under Title 18, §1962, *U.S. v. Joseph, D.C. Pa. 1981, 526 F. Supp.*

"Aid and Abet": Help, assist, or facilitate the commission of a crime, promote the accomplishment thereof, help in advancing or bring it about, or encourage, counsel, or incite as to its commission. *State v. Fetters, Iowa, 202 N.W. 2d 84, 90.*

Plaintiff alleges that the Defendants are an enterprise that conspired in a pattern of racketeering activity that included, but was not limited to: fraud, extortion, obstruction of justice, obstruction of State and local law enforcement, and racketeering. A tabulation of alleged racketeering activity is appended hereto. Plaintiff alleges that the Defendants and/or Enterprise members are lawyers who shared common goals, and who worked together to achieve those goals. Those goals were: 1) To protect Enterprise members exposed in criminal activity; 2) To protect an unlawful operation; and 3) To obtain or attempt to obtain property from Plaintiff induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right. Other Defendants/Enterprise Members goals are evident in the tabulation of alleged racketeering activity.

The following tabulation is by no means a complete list of all Defendants/Enterprise Members, nor does the list contain all of the alleged racketeering activities. The dates, time, place, and specifics of each racketeering activity is a matter of record in the cases cited. The record of these cases are to be considered the same as if attached hereto.

TABULATION OF RACKETEERING ACTIVITY

Defendant and/or Enterprise Member	*Alleged Racketeering Activity of Enterprise Member*
Barry M. Byron	— Fabricated criminal activity against Plaintiff. Case no. 76 CR 473.
	— Engaged in extortion. Case no. 81 CIV 0956.
Paul Mitrovich	— Aided and abetted Enterprise Member by denying the grand jury the testimony of witnesses, and denying exculpatory evidence that would have shown no basis for probable cause or the indictment of Plaintiff on Enterprise Member's fabricated crimes. Case no. 76 CR 473 and 77 CIV 0917.
	— Aided and abetted Enterprise Member by maliciously prosecuting Plaintiff. Case no. 76 CR 473.
J. Warren Bettis	— Aided and abetted Enterprise Members by denying Plaintiff a default judgment for defendants failing to answer. Case no. 77 CIV 0917.
	— Aided and abetted Enterprise Members by granting a summary judgment to Enterprise Members although the Members admit to the truth of conspiracy and libel and slander. Case no. 77 CIV 0918.

Defendant and/or Enterprise Member	*Alleged Racketeering Activity of Enterprise Member*
James W. Jackson	— Aided and abetted Enterprise Member by denying Plaintiff summary judgment when record showed Plaintiff the prevailing party. Case no. 83 CIV 0497.
	— Aided and abetted Enterprise Member by obstructing justice. Case no. 83 CIV 0497.
R.B. McQuade, Jr.	— Aided and abetted Enterprise Member by protecting Member from returning money extorted from taxpayers. Case no. 81 CIV 0956.
	— Aided and abetted Enterprise Member by awarding Enterprise Member judgment against Plaintiff without trial, proof of damage, and due process of law. Case no. 81 CIV 0956.
Robert B. Ford	— Aided and abetted Enterprise Member by granting Member a motion for summary judgment when no such motion was made by the Member. Case no. 83 CIV 0497.
	— Aided and abetted Enterprise Member by rewording the U.S. Constitution for the benefit of the Member. Case no. 83 CIV 0497.

Defendant and/or Enterprise Member	*Alleged Racketeering Activity of Enterprise Member*
Robert L. Gilson	— Aided and abetted Enterprise Member by knowingly permitting Enterprise Member to commit perjury. Case no. 83 CIV 0497.
	— Aided and abetted Enterprise Members by rendering decisions without authority. Case nos. 87 CIV 0402, 87 CIV 0355 86 CIV 0381, 85 CIV 0061, 84 CIV 1231, 81 CIV 0956, and 77 CIV 0918.
C.C. Kennedy	— Aided and abetted Enterprise Member by discriminating against Plaintiff, ruling Plaintiff's nuisance suit as frivolous. Member's nuisance suit not frivolous. Case no. 85-3530. Enterprise Member Case no. 86 CIV 0207.
	— Aided and abetted Enterprise Member in extortion. Case no. 85-3530.
N.R. Jones	— Aided and abetted Enterprise Member by discriminating against Plaintiff, ruling Plaintiff's nuisance suit as frivolous. Member's nuisance suit not frivolous. Case no. 85-3530. Enterprise Member Case No. 86 CIV 0206.
	— Aided and abetted Enterprise Member by knowingly permitting Enterprise Member to commit perjury. Case no. 85-3530.

Defendant and/or Enterprise Member	*Alleged Racketeering Activity of Enterprise Member*
A.E. Norris	— Aided and abetted Enterprise Member by discriminating against Plaintiff, ruling Plaintiff's nuisance suit as frivolous. Member's nuisance suit as not frivolous. Case no. 85-3530. Enterprise Member's nuisance suit Case no. 86 CIV 0206.
	— Aided and abetted Enterprise Member in extortion. Case no. 85-3530.
Ann Aldrich	— Aided and abetted Enterprise Member in extortion. Case no. C83-2953.
	— Aided and abetted Enterprise Member in obstruction of justice. Case no. C86-1076.
J.M. Manos	— Aided and abetted Enterprise Member by knowingly permitting Enterprise Member to commit perjury. Case no. C85-125.
	— Aided and abetted Enterprise Member by ruling in favor of Enterprise Member despite Member's admissions to the truth of allegations.
Alice Batchelder	— Aided and abetted Enterprise Member by knowingly permitting Enterprise Member to commit perjury. Case no. C86-4912.
	— Aided and abetted Enterprise Member in extortion. Case no. C86-4912.

Defendant and/or Enterprise Member	*Alleged Racketeering Activity of Enterprise Member*
A. Krenzler	— Aided and abetted Enterprise Members by granting immunity to Enterprise Members who committed indictable offenses. Case no. 87-512.
	— Aided and abetted Enterprise Members in fraud. Case no. C84-1230.
P. McLaughlin	— Aided and abetted Enterprise Members by not prosecuting Members committing perjury. Case no. C85-125.
	— Aided and abetted Enterprise member in the protection of an unlawful operation, obstructing justice. Case no. C85-125.
Thomas J. Moyer	— Aided and abetted Enterprise Member by knowingly permitting Enterprise Member to commit perjury. Case no. 87-590.
	— Aided and abetted Enterprise Members by knowingly permitting Enterprise Members to obstruct justice and obstruct State and local law enforcement, and commit extortion. Case nos. 87-590, 85 CIV 0061, 77 CIV 0918, 87 CIV 0355, 81 CIV 0956, 84 CIV 1231, 87 CIV 0402, and 86 CIV 0381.

Defendant and/or Enterprise Member	*Alleged Racketeering Activity of Enterprise Member*
Byron & Ryan Co.	— Enterprise Members engaged in fraud, perjury and, extortion. Case nos. 87 CIV 0355 and 85 CIV 1377.
	— Enterprise Members conspired to obstruct justice, and obstruct State and local law enforcement. Case no. C86-2384.
Abraham Cantor	— Enterprise Member engaged in extortion. Case no. 85 CIV 1377.
	— Enterprise Member that committed perjury. Case no. C83-2953.
Weston, Hurd, Fallon, Paisley and Howley	— Enterprise Member that committed perjury by knowingly submitted false evidence. Case nos. CA10 -147 and 83 CIV 0497.
	— Enterprise Member that engaged in extortion. Case no. C83-2953.
Gallagher, Sharp, Fulton & Norman	— Enterprise Member knowingly aided and abetted other Enterprise Members in obstruction of Justice. Case no. 85CIV1377.
	— Enterprise Member knowingly aided and abetted other Enterprise Members that engaged in perjury. Case no. 85 CIV 1377.

Defendant and/or Enterprise Member	*Alleged Racketeering Activity of Enterprise Member*
Quandt, Giffels, Buck & Rodgers	— Enterprise Members engaged in harassment, intimidation, and threatened extortion. Case no. C86-4912.
	— Enterprise Member engaged in attempted extortion. Case no. 87-3676.
Joseph E. O'Neill	— Aided and abetted Enterprise Members in extortion. Case no. 81 CIV 0956.
	— Aided and abetted Enterprise Member in the obstruction of justice. Case no. 77 CIV 0918.
Joseph Donofrio	— Aided and abetted Enterprise Member in extortion. Case no. 81 CIV 0956.
	— Aided and abetted Enterprise Member in obstruction of justice. Case no. 77 CIV 0918.
Edward A. Cox	— Aided and abetted Enterprise Member in extortion. Case no. 81 CIV 0956.
	— Aided and abetted Enterprise Member in the obstruction of justice. Case no. 81 CIV 0956.

Defendant and/or Enterprise Member	*Alleged Racketeering Activity of Enterprise Member*
Martin Wellford	— Aided and abetted Enterprise Members by knowingly permitting a biased and prejudiced judge on a case. Case no. C87-512.
	— Aided and abetted Enterprise Members by delaying ruling on mandamus until trial court rendered a decision. Case no. C87-512.

The foregoing Defendants/Enterprise Members although representing law and order, had objectives aimed at satisfying the needs of various Enterprise Members. The Defendants' form of racketeering activity engaged in appears to be innocent and within the law. On the contrary, it is more devastating and dangerous than organized crime. This type of racketeering activity need not operate secretly or employ the instruments used in underworld criminal activity as the unlawful must use. As practitioners of law, the Defendants use the law as a tool to achieve any crime desired. The Defendants can use the law to fabricate crimes against the innocent, deny and/or stage ungenuine trials, and shape and/or make laws to reach their purposes. The Plaintiff has documented this racketeering activity for over ten years. Its been reported that a lawyer averages $120,000 per year and that one in every ten is a millionaire. It's unlikely that organized crime can approach these figures.

The Enterprise Members are bonded together because of the need for protection, and for political and economic reasons. Plaintiff alleges that the Members'

activities were not impulsive, but rather the result of intricate conspiracies, that was carried on over a long period of time. Some Members committed crimes, were exposed, and required protection. Other Members used the Enterprise as a conduit for extortion. And, others for political patronship and partisinship. To say that this action is an isolated or first time occurrence of racketeering by use of law conducted by this, or similar white collar enterprises, would not be true. Plaintiff has talked with numerous people, and has read of other instances of persons who have been victimized by corrupt members of similar enterprises. Such racketeering activity is a disgrace to the honorable members of the legal profession and to all Americans.

Like organized crime, the Enterprise survives on fear and corruption. It resembles a totalitarian organization that imposes strict discipline on underlings who usually do the dirty work while the top men and women insulate themselves from the criminal act with immunity. The organizational structure is a fluid network of interrelationships based on fellowship, kinship ties, friendships, social bonds, working relationships, and the dictates of necessity. The Enterprise justifies its actions on its own system of self-made legal ethics. It bends and twists laws to suit the designs of its needs. It sees and hears only what is beneficial for its Members. Although the hierarchy is suppose to function as governmental units to serve the public, it operates as a business like any corporation. It enjoys perpetual existence. And, like the corporation, it enjoys working relationships with other corporate (racketeer enterprise) bodies. What the Enterprise Members have subjected the Plaintiff to are no longer injustices—it is organized racketeering, deliberate and with malice.

The Defendants/Enterprise Members may call Plaintiff's action as frivolous and scurrilous or attach other fancy legal terms to describe it. However, these are the facts and if they are not liked, its unfortunate.

RELIEF SOUGHT: Title 18 states that "any person injured in his business or property may sue therefor in any United States district court and shall recover threefold the damages he sustains and the cost of the suit, including reasonable attorney's fee." For the alleged Enterprise's conspiracy to fabricate criminal activity against Plaintiff; for protecting an unlawful operation; for protecting Enterprise Members engaged in criminal activity that has subjected the Plaintiff to needless litigation for a period of over ten years; and for extortion and attempted extortion and other specified racketeering activities by Enterprise Members, the Plaintiff was injured and damaged and asks that the Defendants/Enterprise Members (jointly) be required to pay the sum of Five Million Dollars ($5,000,000.00) along with interest thereon at the maximum rate allowable under law, attorney's fees, and all costs of this action.

ROBERT J. KONDRAT
ROBERT J. KONDRAT, *pro se*
29121 Chardon Road
Willoughby Hills, OH 44092
Telephone (216) 944-0140

18 U.S.C. §1961

§1961. Definitions

As used in this chapter—

(1) "racketeering activity" means (A) any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, or dealing in narcotic or other dangerous drugs, which is chargeable under State law and punishable by imprisonment for more than one year; (B) any act which is indictable under any of the following provisions of title 18, United States Code; *** section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to the obstruction of State or local law enforcement), section 1951 (relating to interference with commerce, robbery, or extortion), section 1952 (relating to racketeering), ***

(4) "enterprise" includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity;

18 U.S.C. §1962

§1962. Prohibited activities

(a) It shall be unlawful for any person who has received any income derived, directly or indirectly, from a pattern of racketeering activity or through collection of an unlawful debt in which such person has participated as a principal within the meaning of section 2, title 18, United States Code, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce. ***

(c) It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.

18 U.S.C. §1963

§1963. Criminal penalties

(a) Whoever violates any provision of section 1962 of this chapter shall be fined not more than $25,000 or imprisoned not more than twenty years, or both, and shall forfeit to the United States (1) any interest he has acquired or maintained in violation of section 1962, and (2) any interest in, security of, claim against, or property or contractual right of any kind affording a source of influence over, any enterprise which he has established, operated, controlled, conducted, or participated in the conduct of, in violation of section 1962.

* * * * *

18 U.S.C. §1964

§1964. Civil remedies

(a) The district courts of the United States shall have jurisdiction to prevent and restrain violations of section 1962 of this chapter by issuing appropriate orders, including, but not limited to: ordering any person to divest himself of any interest, direct or indirect, in any enterprise; imposing reasonable restrictions on the future activities or investments of any person, including, but not limited to, prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect interstate or foreign commerce; or ordering dissolution or reorganization of any enterprise, making due provision for the rights of innocent persons.

* * * * *

(c) Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee.

* * * * *

18 U.S.C. §1965

§1965. Venue and process

(a) Any civil action or proceeding under this chapter against any person may be instituted in the district court of the United States for any district in which such person resides, is found, has an agent, or transacts his affairs.

TITLE IX OF THE ORGANIZED CRIME CONTROL ACT OF 1970 (Pub. L. 91-452)

CONGRESSIONAL STATEMENT OF FINDINGS AND PURPOSE

Section 1 of Pub. L. 91-452 provided in part that:

"The Congress finds that (1) organized crime in the United States is a highly sophisticated, diversified, and widespread activity that annually drains billions of dollars from America's economy by unlawful conduct and the illegal use of force, fraud, and corruption; (2) organized crime derives a major portion of its power through money obtained from such illegal endeavors as syndicated gambling, loan sharking, the theft and fencing of property, the importation and distribution of narcotics and other dangerous drugs, and other *forms of social exploitation*; (3) this money and power are increasingly used to *infiltrate and corrupt legitimate business* and labor unions and *to subvert and corrupt our democratic processes*; (4) organized crime activities in the United States *weaken the stability of the Nation's economic system,* harm innocent investors and competing organizations, interfere with free competition, seriously burden interstate and foreign commerce, *threaten the domestic security,* and *undermine the general welfare of the Nation and its citizens*; and (5) organized crime continues to grow because of defects in the evidence-gathering process of the law inhibiting the development of the legally admissible evidence necessary to bring criminal and other sanctions or remedies to bear on the unlawful activities of those engaged in organized crime and because the sanctions and remedies available to the Government are unnecessarily limited in scope and impact. (emphasis added.)

"It is the purpose of this Act *** to seek the eradication of organized crime in the United States by strengthening the legal tools in the evidence-gathering process, by establishing new penal prohibitions, and by providing enhanced sanctions and new remedies to deal with the unlawful activities of those engaged in organized crime."

* * * * *

UNITED STATES CONSTITUTION

AMENDMENT I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, *or abridging the freedom* of speech or of the press, or the right of the people peaceably to assemble, *and to petition the government for a redress of grievances.* (Emphasis added)

AMENDMENT V

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation.

AMENDMENT VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

AMENDMENT XIV

1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.